

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE CENTRAL INSTITUTE FOR
EXPERIMENTAL ANIMALS,

Plaintiff,

v.

JACKSON LABORATORY,

Defendant.

Case No.: C 08-5568 PVT

**ORDER THAT CASE BE
REASSIGNED TO A DISTRICT
JUDGE**

This case was originally assigned to Magistrate Judge Joseph C. Spero.¹ On December 31, 2008, Plaintiff filed a Consent to Proceed Before a United States Magistrate Judge. On January 7, 2009, this case was reassigned to Magistrate Judge Patricia V. Trumbull (due to a recusal by Judge Spero). On January 16, 2009, Plaintiff filed a Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge. Based on the file herein,

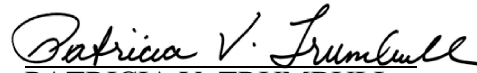
IT IS HEREBY ORDERED that this case be reassigned to a District Judge.

This court's Civil Local Rule 73-1(a) governs when parties must file consents or declinations in cases initially assigned to a Magistrate Judge. Both subsection (1) and subsection (2) of that rule refer to "written consent to the jurisdiction of *the* magistrate judge." See CIVIL L.R. 73-1(a)(1) & (2)

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 (emphasis added). The court's use of the word "the" rather than "a" indicates that a party who
2 consents is consenting to the specific Magistrate Judge initially assigned to the case. Thus, it appears
3 that although Plaintiff has filed a consent to Magistrate Judge jurisdiction, it was not precluded from
4 declining such jurisdiction and requesting reassignment to a District Judge when the case was
5 reassigned to a different Magistrate Judge.

6 Dated: 3/13/09

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8 PATRICIA V. TRUMBULL
9 United States Magistrate Judge
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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on _____ to:

Plaintiff's Attorney's Name, Esq.
Address

Defendant's Attorney's Name, Esq.
Address

CORINNE LEW
Courtroom Deputy